

FREUND & BRACKEY LLP  
Jonathan D. Freund (Admitted *pro hac vice*)  
Derek S. Lemkin (Admitted *pro hac vice*)  
427 North Camden Dr  
Los Angeles, CA 90210  
Tel: (310) 247-2165  
Fax: (310) 247-2190

*Attorneys for Defendants*

THE TOMATO MUSIC WORKS LIMITED and MARY EGGERS

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

JOHN TOWNES VAN ZANDT II, )  
WILLIAM VAN ZANDT, KATIE BELLE )  
VAN ZANDT, By her next Friend, )  
JEANENE VAND ZANDT, )

Plaintiffs, )

v. )

KEVIN EGGERS, THE EGGE COMPANY )  
LIMITED, TOMATO MUSIC WORKS )  
LIMITED, TOMATO MUSIC COMPANY, )  
LTD. NAVARRE CORPORATION, THE )  
ORCHARD ENTERPRISES, INC. and )  
MARY EGGERS, )

Defendants. )

Case No. 05 CV 10661 (RJH)

PARTIAL ECF CASE  
FILED ELECTRONICALLY

**DEFENDANT'S  
EVIDENTIARY OBJECTIONS  
TO THE DECLARATION OF  
PATRICK T. PERKINS**

Defendants THE TOMATO MUSIC WORKS LIMITED and MARY EGGERS hereby submit their evidentiary objections to the evidence submitted by plaintiffs JOHN TOWNES VAN ZANDT II, WILLIAM VAN ZANDT, KATIE BELLE VAN ZANDT and JEANENE VAND ZANDT in support of their Motion for Preliminary Injunction.

**OBJECTIONABLE EVIDENCE****GROUND**

<u>DECLARATION OF PATRICK T. PERKINS:</u> 1. Entire declaration	1. Mr. Perkins failed to properly swear that her declaration was given under the laws of the United States as required by the Federal Rules of Evidence.
2. Paragraph 3, beginning with second sentence and to end of paragraph	2. <u>Relevance.</u> Federal Evidence Code § 401  Also: <u>Lack of Foundation</u> , <u>Hearsay</u> , <u>Improper Opinion</u> and <u>Speculation.</u> Ev. C. §§ 602, 801, 701
3. Paragraph 4 in its entirety.	3. <u>Hearsay</u> , <u>Improper Opinion</u> , <u>Relevance</u> , <u>lack of foundation</u> and <u>constitutes Speculation.</u> Ev.C. §§ 210, 350, 351 and 403
4. Paragraph 5 in its entirety.	4. <u>Relevance</u> , <u>Hearsay</u> , <u>Improper Opinion</u> and <u>constitutes Speculation.</u> Ev.C. §§ 210, 350, 351 and 403
5. Paragraph 6 in its entirety.	5. <u>Relevance.</u> Ev. C § 401
6. Paragraph 9 in its entirety.	6. <u>Improper Authentication.</u> Ev. C § 901; <u>Improper Expert Testimony and Basis for Expert Testimony.</u> Ev. C §§ 702, 703  Also <u>Lack of Foundation</u> , <u>Hearsay</u> , <u>Improper Opinion.</u> Ev. C. §§ 602, 801, 701
7. Paragraph 10 in its entirety.	7. <u>Improper Authentication.</u> Ev. C § 901; <u>Improper Expert Testimony and Basis for Expert Testimony.</u> Ev. C §§ 702, 703  Also <u>Lack of Foundation</u> , <u>Hearsay</u> , <u>Improper Opinion.</u> Ev. C. §§ 602, 801, 701

8. Paragraph 11 in its entirety.	8. <u>Relevance</u> . Ev. C § 401
9. Paragraph 12 in its entirety.	9. <u>Relevance</u> . Ev. C § 401.
10. Paragraph 14 in its entirety.	10. <u>Improper Authentication</u> . Ev. C § 901; <u>Improper Expert Testimony and Basis for Expert Testimony</u> . Ev. C §§ 702, 703  Also <u>Lack of Foundation</u> . <u>Hearsay</u> . <u>Improper Opinion</u> . <u>Relevance</u> . Ev. C. §§ 401, 602, 801, 701

September 14, 2006

FREUND & BRACKEY LLP

By: Jonathan D. Freund  
Jonathan D. Freund (Admitted *pro hac vice*)  
Derek S. Lemkin (Admitted *pro hac vice*)  
427 North Camden Dr  
Los Angeles, CA 90210  
Tel: (310) 247-2165  
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